

REMARKS

In accordance with the above amendments, serial numbers of priority referenced applications has been added to the specification and the status of them has been updated. Claims 135, 136, 143 and 145 have been amended and claims 138-142 have been withdrawn from consideration as being directed to a non-elected invention. Thus, claims 135-137 and 143-145 remain under consideration in the present application. No claim has been allowed.

The data concerning priority with respect to the serial numbers of prior applications has been updated, together with the status of those applications. If required, applicants will submit a petition that any delay in updating this information was unintentional. It should be noted that the undersigned attorney only recently took over prosecution of the subject application and, in fact, still is awaiting the signing of a formal Power of Attorney, and asks that the above data be entered.

The amendments to the claims are believed to overcome the rejections under 35 USC § 112. Specifically, the amendments to claim 135 are believed to provide clarification as to the elements of the kit and how they relate. The amendments to claims 143 and 145 are believed to set forth the requirement for the genetic selection marker as requested by the Examiner. With respect to claim 144, it is believed that it is well within the

knowledge of one skilled in the art to select the gene promoter as all are known. It is further that the intended use of the kit is clear from the present language of claim 135 as the limitation is also found in element (c).

In view of the amendments to the claims, it is submitted that the present claims distinguish over the cited reference to Bosselman et al (U.S. Patent 5,162,215). Bosselman et al neither discloses nor suggests the claimed combination, particularly the present limitations directing the kit for a specific use, together with instructions. The present claim 135 should entitle the instructions to be treated with patentable weight and therefore further distinguish over the cited reference.

In view of the above amendments, taken together with the remarks herein, applicants believe that the present claims should be in condition for allowance and reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.

A handwritten signature in black ink, appearing to read 'C. G. Mersereau', written in a cursive style.

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CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment and Transmittal Cover Letter in response to the Official Action of February 24, 2004, together with a Petition for Extension of Time for three months and a check in the amount of \$950.00, in application Serial No. 10/054,143, filed on November 12, 2001, of Carol W. Readhead et al, entitled "TRANSFECTION, STORAGE AND TRANSFER OF MALE GERM CELLS FOR GENERATION OF TRANSGENIC SPECIES AND GENETIC THERAPIES" are being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, postage prepaid, on August 24, 2004.

Barbara L. Davis
Secretary to C. G. Mersereau
Attorney for Applicant

Date of Signature: August 24, 2004